

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CATHERINE MASGAY

Plaintiff,

V.

CIVIL ACTION NO.

ER SOLUTIONS INC.

Defendant.

NOVEMBER 3, 2008

COMPLAINT

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff Catherine Masgay, as an individual consumer, against Defendant ER Solutions Inc., hereinafter (“ER”) for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k (d) and 28 U.S.C. § 1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

3. Venue in this District is proper in that the defendant transacts business here and the conduct complained of occurred here.

III. PARTIES

4. Plaintiff is a natural person residing in town of Edgewater, County of Anne Arundel and the State of Maryland.

5. Defendant ER Solutions Inc. is a foreign corporation engaged in the business of collecting debts in the State of Maryland with its principal place of business located at 800 SW 39th Street, Renton, WA 98055 and is authorized to do business in Maryland.

6. On information and belief, the principal purpose of Defendant's business in this State is the collection of debts and Defendant regularly attempts to collect debts alleged to be due another.

7. Defendant is engaged in the collection of debts from consumers using the mail and telephone.

8. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a (6).

IV. FACTUAL ALLEGATIONS

9. At all times relevant hereto; the Defendant was attempting to collect an alleged debt from the Plaintiff (hereinafter "debt")

10. The alleged debt was incurred by the plaintiff for personal, family, or household purposed and is a "debt" as defined by 15 U.S.C. § 1692a(5).

11. Based on information and belief, during the month of June, 2008, Defendant ER Solutions Inc., by telephone calls informed Plaintiff that she owed a debt to Verizon.

12. Defendant ER failed to advise Plaintiff of her rights pursuant to § 1692e (11).

13. Defendant ER advised the Plaintiff that she had no right to dispute this debt.

14. Defendant ER advised the plaintiff that she was required to contact the creditor if she would like to dispute this debt, despite previous notice advising her to contact ER Solutions, Inc. if she disputed this debt.

15. Defendant ER demanded and attempted to collect an amount exceeding \$1,600.00 more than the plaintiff allegedly owed the creditor Verizon.

16. As a result of the acts alleged above, Plaintiff has been damaged.

V. CLAIM FOR RELIEF

17. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

18. In the collection efforts, ER Solutions Inc. violated the FDCPA, inter alia, § 1692e (11). Failure to disclose in communications that the communication is from a debt collector.

(b) Violation of §1692e (2) (a). Misrepresenting the amount, character and legal status of the debt.

(c) Violation of § 1692e (10) the use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

19. As a result of the foregoing violations of the FDCPA, Defendant ER Solutions Inc., is liable to the plaintiff for declaratory judgment that PRA's conduct violated the FDCPA, actual damages, statutory damages, costs and attorney's fees.

WHEREFORE, Plaintiff respectfully requests that judgment is entered against Defendant ER Solutions, Inc. for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages pursuant to 15 U.S.C. § 1692k;
- D. Costs and reasonable attorney's fees pursuant to 15 US. 1692k (3).
- E. For such other and further relief as the Court may deem just and proper.

THE PLAINTIFF

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